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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,608	05/15/2001	Yoshihisa Kimura		1725

30132 7590 10/21/2002

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3137 MOUNT VERNON AVENUE  
ALEXANDRIA, VA 22305

EXAMINER

PARKER, KENNETH

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,608

Applicant(s)

KIMURA ET AL.

Examiner

Kenneth A Parker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What is meant by having exposed surfaces is unclear. Exposed to what? Is this an intended use limitation? Applicant's own disclosed diffuser is on a substrate, so what is meant by exposed cannot be determined. For examining purposes, it is presumed the diffuser has two surfaces and is transparent (exposed to light).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa US 6164785 in view of Konno et al, US 5607764.

Here the diffuser properties listed are simply those which everyone tries to optimize, low backscattering (high throughput), high distinctness, high haze, and are therefore obvious for that reason. Konno evidences this with discussion of luminance and visibility, two alternative descriptions of the same characteristics (col. 5 lines 16-65). Internal haze will be low as the index of refractions of the different mediums match.

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Haze is the principal function of a diffuser, so making it as high as possible is obvious based upon the definition of the diffuser itself.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al, US 5607764.

Here the diffuser properties listed are simply those which everyone tries to optimize, low backscattering (high throughput), high distinctness, high haze. Konno discusses luminance and visibility, to alternative descriptions of the same characteristics (col. 5 lines 16-65). Internal haze will be low as the index of refractions of the different mediums match. Haze is the principal function of a diffuser, so making it as high as possible is obvious based upon the definition of the diffuser itself.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al US 5847795 in view of Konno et al, US 5607764.

Here the diffuser properties listed are simply those which everyone tries to optimize, low backscattering (high throughput), high distinctness, high haze, and are therefore obvious for that reason. Konno evidences this with discussion of luminance and visibility, two alternative descriptions of the same characteristics (col. 5 lines 16-65). Internal haze will be low as the index of refractions of the different mediums match. Haze is the principal function of a diffuser, so making it as high as possible is obvious based upon the definition of the diffuser itself.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima et al US 5903391 in view of Konno et al, US 5607764.

Here the diffuser properties listed are simply those which everyone tries to optimize, low backscattering (high throughput), high distinctness, high haze, and are therefore obvious for that reason. Konno evidences this with discussion of luminance and visibility, two alternative descriptions of the same characteristics (col. 5 lines 16-65). Internal haze will be low as the index of refractions of the different mediums match. Haze is the principal function of a diffuser, so making it as high as possible is obvious based upon the definition of the diffuser itself.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano, US 5706065.

Here the diffuser properties listed are simply those which everyone tries to optimize, low backscattering (high throughput), high distinctness, high haze , and are therefore obvious for that reason. Konno evidences this with discussion of luminance and visibility, two alternative descriptions of the same characteristics (col. 5 lines 16-65). Internal haze will be low as the index of refractions of the different mediums match. Haze is the principal function of a diffuser, so making it as high as possible is obvious based upon the definition of the diffuser itself.

***Response to Arguments***

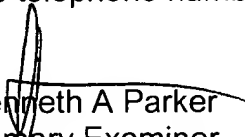
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Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Parker whose telephone number is 703-305-6202. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Sikes can be reached on 308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.



Kenneth A Parker  
Primary Examiner  
Art Unit 2871

October 11, 2002